

REMARKS

Claims 4-30 remain in the application. Claims 1-5, 11-14 and 25-27 are rejected as unpatentable over Lupien in view of Schön. Claims 6, 7 and 15-18 are rejected as unpatentable over Lupien and Schön, in further view of McGrewr. Claims 8-10 and 19-24 are rejected as unpatentable over Lupien and Schön, in further view of Lidbrink. All rejections are respectfully traversed.

The examiner has again acknowledged that Lupien does not teach macrodiversity transmission and the drift controller sending to the serving controller information relating to the one cell of the second system. Schön is relied on for teaching macrodiversity transmission, and it does indeed teach this. And Schön further discusses the sending to the serving controller of information relating to neighboring cells of a drift controller. But this is no more than what applicants have already acknowledged in the Background discussion of the present application. And Schön specifically limits it operation to cells within a single Radio Access Network (RAN), e.g., as stated at lines 50-52 of column 5. Thus, Schön does *not* teach the transferring of information relating to cells of different mobile radio systems as is required in claim 28. With Lupien not teaching the transmission back to the serving controller of *any* information at all concerning a cell adjacent to the drift controller cell, and with Schön only teaching this in the context of a single system where the adjacent cell is part of the same mobile radio system, neither reference suggests the sending back to the serving controller information about a cell adjacent to the drift controller cell and that is part of a different mobile radio system than either

of the serving or drift controllers. Thus, this feature would not result from any obvious combination of the two references.

Another point to consider is that, without the present application to use as a roadmap, how would one get to the presently claimed invention? If one starts with Lupien as the primary reference, we have a reference that does not mention a radio network controller. In an architecture such as discussed in Lupien, the base station controller (BSC) would be the analogous element, but there is no mention anywhere in Lupien of a base station controller. It is not clear how one might adopt macrodiversity into the system of Lupien, and not clear that any macrodiversity implementation would involve both hyperbands or only within a single hyperband. It is also not at all clear how one would incorporate other teachings of Schön into Lupien, and impossible to conclude that the elements of claim 28 would result. It is only through hindsight that the invention may appear obvious.

Accordingly, it is submitted that claim 28, as well as claims 29 and 30 which include the same requirement, patentably distinguishes over the combined teachings of Lupien and Schön.

The examiner relies on McGewr and Lidbrink in other rejections, but these do not teach the subject matter missing from Lupien '153 and Schön relating to the independent claims 28-30.

All dependent claims are patentable as well due to their dependence on allowable parent claims.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Request For Reconsideration
USSN 09/987,669

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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